



Department of Environmental Protection

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Hazardous Waste Management Guidance During State of Emergency for COVID-19 Pandemic

(Issue Date: April 8, 2020)

Effective March 10, 2020, and until 45 days following the termination of the state of emergency, the Massachusetts Department of Environmental Protection (MassDEP) is implementing the following guidance for the items specified below related to hazardous waste management covered by this guidance and resulting from the COVID-19 pandemic, and pertaining to actions by regulated entities, as set forth.

MassDEP will coordinate with other agencies in situations where the MassDEP shares jurisdiction over a regulated entity's environmental compliance obligations. MassDEP will update this guidance if MassDEP determines modifications are necessary.

All other hazardous waste requirements under 310 CMR 30.000 not identified below are in effect and shall be complied with. MassDEP expects that all regulated entities will continue to operate in a manner that is safe and protects the public and the environment.

This document does not constitute "final agency action," and is not "regulation" as that term is used in M.G.L. c.30A. It may not be relied upon to create rights, duties, obligations or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this guidance does not exempt any person from complying with any other applicable local, state or federal law.

This guidance applies to the following requirements:

A. Compliance with hazardous waste container and tank inspection (described at 30.686 and 30.696, respectively) for Small Quantity Generator (SQG) and Large Quantity Generator (LQG) facilities if the facility is closed during the State of Emergency.

A facility subject to container and tank inspection requirements that is closed during the State of Emergency should make every reasonable effort to do applicable daily/weekly inspections. If employers have concerns about deploying their employees to do such inspections, then they should contact MassDEP at 617-292-5898. In these situations, the Department will be open to the waste being shipped off-site as soon as possible.

B. Agreement to authorize the shipments of hazardous waste via electronic signing of a hazardous waste manifest in order to maintain social distancing.

A generator may enter into an agreement, by electronic mail or otherwise, with a transporter whereby the transporter may sign on behalf of the generator. The generator should, if possible, be present when the waste is shipped off-site. The generator shall maintain a copy of the agreement and make it available to the Department upon request.

C. Compliance with SQG and LQG accumulation time limits during the State of Emergency.

If a facility is a generator of hazardous waste and, due to disruptions caused by the COVID-19 pandemic, is unable to transfer the waste off-site within the time periods required under 21C/RCRA to maintain its generator status, the facility should continue to properly label and store such waste and notify the Department via email at marrcus.henry@mass.gov. If these steps are met, under this guidance, MassDEP will treat such entities to be hazardous waste generators, and not treatment, storage and disposal facilities. In addition, under this guidance, MassDEP will treat Very Small Quantity Generators and Small Quantity Generators as retaining that status, even if the amount of hazardous waste stored on site exceeds a regulatory volume threshold due to the generator's inability to arrange for shipping of hazardous waste off of the generator's site due to the COVID-19 pandemic.

For more information, please contact Marrcus Henry: Marrcus.Henry@mass.gov or 617-292-5898